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NEWS

New state ADU law will change Winchester bylaw

NELL ESCOBAR COAKLEY | STAFF WRITER

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An accessory dwelling unit above a garage. COURTESY PHOTO/RADWORLD, CREATIVE COMMONS

The popularity of Accessory Dwelling Units (ADUs) is on the rise across the country. A new law in Massachusetts will not only make it easier for residents to build, but supersede parts of a Winchester bylaw pa November 2022.

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Gov. Maura Healey on Aug. 6 signed the Affordable Homes Act into law, authorizing $5.16 billion in spending during the next five years, along with 49 other initiatives to counter rising housing costs, including ADUs.

The new law allows ADUs under 900 square feet by right on single-family lots. The ADUs can be attached or detached and can take the shape of a basement or attic conversion, a backyard dwelling or addition to a home.

A tiny house can now be an ADU, per a new law signed by Gov. Maura Healey in early August 2024. COURTESY PHOTO

"This new policy replaces a patchwork of zoning regulations across the state with a uniform law that allows homeowners on single-family lots to add these small units without needing a special permit or variance unless they want to add more than one," a release from Healey's office states. "Construction of ADUs is still subject to local building codes. The Healey-Driscoll Administration estimates that between 8,000 and 10,000 ADUs will be built across the state over the next five years due to passage of

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The new law goes into effect in February 2025.

Winchester bylaw

According to Winchester's bylaw, ADUs may be built on both single or two-family lots "to create housing for people age 62+ and for those with disabilities. Many people wish to live near familiar systems: multigenerational family members, friends, activities, services, and medical care. ADUs are a flexible housing option that makes this possible."

There are several requirements in the town's bylaw for ADUs, including that the property must be "a primary residence of either the owner of the property or the beneficiary of the trust that owns the property." The ADU cannot be rented out and must also function as a separate dwelling, with two independent exits, living space, cooking facilities and a full bathroom.

Winchester Planner Taylor Herman is expected to meet with state officials on Aug. 28 to go over the new ADU requirements. Because many other communities have ADU laws, like Winchester, Herman said the state will most definitely allow municipalities leeway to update their rules and regulations.

"By February 2025, we will have to update our bylaw to conform," Herman said. "We really only have two restrictions that need to be changed. One is the age restriction, which requires a person be over 62 or disabled. That's not allowed under the new state law."

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THREE TYPES OF ADUS
INTERIOR ADU: Separate unit within the envelope of the existing primary dwelling
ATTACHED ADU: Addition to the primary dwelling
DETACHED ADU: A separate building detached from the primary dwelling

A look at the three types of ADUs that can be built in Winchester, per a town pamphlet regarding building guidelines. COURTESY PHOTO/TOWN OF WINCHESTER

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The other, Herman said, is based on design guidelines. He said Winchester's regulations are broader than the state's, which is more specific when it comes to accessibility and where to place the ADU on a lot, among other standards.

He added Town Meeting will still need to vote to update the bylaw, either this fall or next spring.

"If [Town Meeting] says yes [to the update], we will have more control over the design standards," Herman said. "But if they say no, then we will have to comply with the exact language [of the state law]."

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Herman said Winchester can add more to its design standards, but it can't be more restrictive than the state law. In other words, the town can still have a say in the style, size or height of the ADU.

"We can mold it to what we want," he said, "as long as it's not restrictive to what can be built."

Herman said so far, only two ADUs have been permitted for construction in Winchester under the 2022 bylaw, but neither have been actually built.

ADU popularity, controversy

ADUs have become something of a phenomenon sweeping towards the East Coast in the past several years, whether in the form of in-law apartments, conversions, or tiny houses.

According to a June 6, 2024 story in Yahoo! Finance, the popularit
has surged in California, where with "the median home price rea
$900,000, both citizens and legislators are seeking alternative housing

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solutions. A California Department of Finance study reveals that ADUs accounted for 20% of new home construction 2023."

That means that one in every five new homes built in California in 2023 was an ADU, doubling from 2020.

"The newfound popularity of ADUs proves that necessity is the mother of invention," the article reads. "California home prices have been relentlessly marching towards unaffordability for the past several decades, and a lack of inventory is one of the main contributing factors."

Herman said it's not only California, but the Pacific Northwest and Texas that are finding ADUs an alternative to the lack of affordable housing.

"The state is trying to make this popular," Herman said. "Massachusetts isn't the only one to do it, but they are being more aggressive about it. But, Massachusetts is not alone."

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An ADU in California, where the dwellings have taken off in popularity over the years. COURTESY PHOTO/CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Herman said some might see ADUs as controversial, but there's a lot more opportunity in ADUs than most people consider.

"Winchester has a huge problem with people being able to age in place," Herman said. "People's kids go off to college and they want to downsize and they don't want to live in a large house. This is an option for that.

"People fear that this is an affordability thing, but it's not," he continued. "This is a way to increase housing options."

And, Herman added, it's important to note that even if you build an ADU in Winchester, there are still restrictions. For example, you can't have an ADU and put it on Airbnb because the town does have ways to enforce that.

Otherwise, it's still an option.

"I see a significant opportunity for people to create a great living space for their families," Herman said. "When people come in to talk about ADUs, it's not that they can't afford to live here. I don't see that as being the case."

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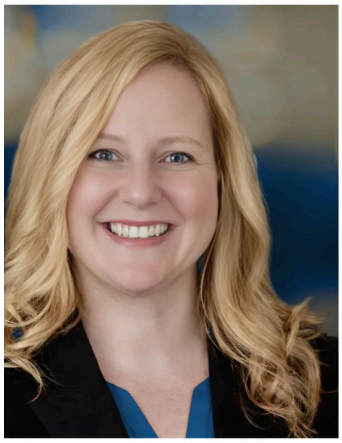

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Winchester School Committee candidates bring contrasting backgrounds to Thursday forum

Two candidates for Winchester's School Committee will face voters at a forum as the district navigates a new literacy curriculum, budget pressures and questions about student mental health. Heather von Mering and John Bellaire are competing for an open seat on the School Committee, which oversees a budget von

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Rep. Michael Day helps House colleagues pass sweeping energy affordability bill

The following was submitted by the Office of Rep. Michael S. Day: Rep. Michael S. Day and his colleagues in the House of Representatives recently passed energy affordability legislation that would result in over $9 billion in savings for utility ratepayers over the next 10 years. The bill maintains critical

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NEWS

Winchester gun owners face new training rules starting April 2

Public safety data How Winchester compares on firearms licenses in comparable Massachusetts communities Active licenses

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Sen. Jason Lewis, Mass. Senate strengthen fair housing protections for rente

The following was submitted by the Office of Sen. Jason Lewis: State Sen. Jason Lewis

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as of Jan. 25, 2025 — Source: Massachusetts Criminal History Systems Board License to carry firearms Firearms identification card Winchester and Marblehead are the focus communities. Peers selected based on comparable population size, demographics and suburban

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joined his colleagues in the Massachusetts Senate to pass legislation that protects residents from discrimination in the housing market as the Trump administration abandons its enforcement of the federal Fair Housing Act. Illegal discrimination continues

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Celebrate Women's History Month with Girls Leading Change

The following was submitted by the Network for Social Justice: To mark Women's History Month and International Women's Day in 2026, the Network for Social Justice is collaborating with club leaders from Winchester High School and members of the Community Health team from La Colaborativa in Chelsea and

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FEATURES

‘Chicago: Teen Edition’ dances onto the Winchester High School stage

By Talia Ho | Correspondent Fame. Fortune. And all that jazz. This spring, Winchester High School presents “Chicago: Teen Edition,” a bold musical that explores celebrity culture, media manipulation, and the cost of ambition. This iconic production is set in the 1920s. Performances will take place on March 13 and 14

SPECIAL TO THE NEWS
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EVENTS

Ripley Chapel in Winchester presents ‘Syldason: You Are Welcome Here’

The following was submitted by the Ripley Chapel at First Congregational Church: On Friday, March 13, beginning at 7:30 p.m., live in-person and live streamed from the stunning Ripley Chapel at First Congregational Church, Winchester, 21 Church St., join in with Syldason, a duo concert featuring Sylvie Zakarian,

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